

4.0 INDUSTRIAL/COMMERCIAL DISCHARGE PERMITS

4.1 EXISTING UNPERMITTED INDUSTRIAL USERS

Within 60 calendar days after the effective date of this SUO, or at such time when the participant ties into the Authority's treatment works, whichever is later, industrial users shall apply for an Industrial/Commercial Discharge Permit. Such application shall be made by completing, and submitting to the Authority, a CCMUA Pretreatment Permit Application obtained from the Executive Director, or his designee. The terms of such permit may be modified by the Executive Director, or his designee after issuance and a reasonable time provided for compliance with such modified terms. Violations of the terms of such permits are violations of this SUO. Any violation of this section of the SUO is considered non-minor.

4.2 NEW INDUSTRIAL USERS

New industrial users may not connect to treatment works of the Authority, unless an Industrial/Commercial Discharge Permit has been obtained. Such users shall apply for an Industrial/Commercial Discharge Permit at least 120 calendar days before connecting to such treatment works. In the event the industry and Authority cannot agree as to the classification, under a particular industrial, commercial, categorical or subcategorical classification, for purposes of industrial pretreatment standards, a written certification from the appropriate federal and state regulatory agencies as to whether the applicant is included within a particular industrial, commercial, categorical or subcategorical classification for purposes of industrial pretreatment standards, may be obtained. Any violation of this section of the SUO is considered non-minor.

4.3 CATEGORICAL (NEW AND EXISTING) INDUSTRIAL USERS

Within ninety (90) calendar days after the adoption by a federal or state regulatory agency of a categorical pretreatment standard, existing industrial users subject to such standards shall submit a CCMUA Pretreatment Permit Application for an Industrial/Commercial Discharge Permit as required under Section 4.1 of this SUO. Industrial users subject to categorical pretreatment standards shall also submit a Baseline Monitoring Report (refer to Section 5.1 hereof) containing information required under federal and state industrial pretreatment regulations in the form required by the Executive Director, or his designee. The CCMUA Pretreatment Permit Application and Baseline Monitoring Report shall be reviewed by the Executive Director, or his designee, and a schedule of compliance established as a condition of the Industrial/Commercial Discharge Permit if the applicable categorical standards are not being met. Any violation of this section of the SUO is considered non-minor.

The Authority may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. When converting such limits to concentration limits, the Authority will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by 403.6(d) and Section 2.7 of the Authority's Sewer Use Ordinance.

When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Authority. The Authority may establish equivalent mass limits only if the Industrial User meets all the following conditions in paragraph (i)(A) through (i)(E) of this section.

(i) To be eligible for equivalent mass limits, the Industrial User must:

(A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

(B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

(D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(ii) An Industrial User subject to equivalent mass limits must:

(A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(C) Continue to record the facility's production rates and notify the Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (i)(C) of this section. Upon notification of a revised

production rate, the Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (i)(A) of this section so long as it discharges under an equivalent mass limit.

(iii) Where the Authority chooses to establish equivalent mass limits, it will:

(A) Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(B) When notified of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(C) Retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to 403.6(d) and Section 2.7 of the Authority's Sewer Use Ordinance. The Industrial User must also be in compliance with 403.17 (regarding the prohibition of bypass).

(iv) The Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

Equivalent limitations calculated in accordance with 403.6(c), *Concentration and mass limits*, specifically 403.6(c)(1) through (4), and 40 CFR 403.6(c)7, (c)8, and (c)9 are deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this part. Once incorporated into its control mechanism, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Authority of such anticipated change will be required to meet the mass or

concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

Any violation of this section of the SUO is considered non-minor.

4.4 SMALL FLOW COMMERCIAL USER (NEW AND EXISTING)

Within 60 calendar days after the effective date of this SUO, or at such time when the participant ties into the Authority=s treatment works, whichever is later, existing noncategorical commercial users, who discharge less than 3,000 gallons of average daily flow per day, may apply for an Industrial/Commercial Discharge Permit, with classification as a small flow commercial user.

New industrial users may not connect to treatment works of the Authority, unless an Industrial/Commercial Discharge Permit has been obtained. Such users shall apply for an Industrial/Commercial Discharge Permit at least 120 calendar days before connecting to such treatment works. At that time, the new user may request to be classified as a small flow commercial user if the user is noncategorical and will be discharging less than 3,000 gallons of average daily flow per day.

Please note, this classification is **not mandatory**. Commercial users who meet the qualifications may apply for this classification. If a commercial user chooses this option, and meets the Authority=s qualifications as a small flow commercial user, all reporting and monitoring requirements that apply to a nonsignificant indirect user will apply to a small flow commercial user, with the following exceptions:

- X **The industrial user annual fee for a small flow commercial user will be \$2,000.00**
- X The small flow commercial user=s permit will have elevated limits for the following parameters, if applicable to the user=s effluent limitations and monitoring requirement=s table:

PARAMETER	DAILY MAXIMUM CONCENTRATION (mg/L)
Biochemical Oxygen Demand	1500 mg/L
Chemical Oxygen Demand	1500 mg/L
Oil & Grease	150 mg/L
Petroleum Hydrocarbons	45 mg/L

Such application shall be made by completing, and submitting to the Authority, a CCMUA Pretreatment Permit Application obtained from the Executive Director, or his designee. The terms of such permit may be modified by the Executive Director, or his designee after issuance and a reasonable time provided for compliance with such modified terms. Violations of the terms of such permits are violations of this SUO. Any violation of this section of the SUO is considered non-minor.

4.5 PERMIT APPLICATION PROCEDURE

Upon receipt of necessary information, by the Executive Director, or his designee (in the form of a completed CCMUA Pretreatment Permit Application), and any permit application fees, the application shall be reviewed and a draft permit prepared, if deemed necessary. When a Draft Industrial/Commercial Discharge Permit is issued, the industrial user shall have 30 days to submit written comments to the Authority. A copy of this Industrial/Commercial Discharge Draft Permit shall be forwarded to the Mayor of the municipality in which the industrial user is located.

After the thirty (30) day comment period, and all comments are responded to, a Final Industrial/Commercial Discharge Permit will be issued to the industrial user.

During the Draft Industrial/Commercial Discharge Permit issuance, an opportunity for the public to comment on permits proposed to be issued will be provided by newspaper notice.

PLEASE NOTE:

The CCMUA Pretreatment Permit Applications submitted by corporations shall be signed by a corporate officer or other authorized executive officers. An application shall include a corporate resolution, granting that individual authority, to make the application on behalf of the corporation. An application submitted by an industrial user other than a corporation shall be signed by the proprietor or general partner. Any violation of this section of the SUO is considered non-minor.

4.6 PERMIT TERMS AND CONDITIONS

- A. The Industrial/Commercial Discharge Permit shall be expressly subject to all the provisions of this SUO and all other rules, regulations, user charges and fees, which are in effect or which may be established by the Authority.

- B. Each Industrial User Discharge permit shall contain at a minimum the following conditions:
- (1) A statement of duration (in no case more than five years);
 - (2) A statement of non-transferability without, at a minimum, prior notification to the Authority and provision of a copy of the existing industrial discharge permit to the new owner or operator;
 - (3) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 CFR 403, categorical pretreatment standards, local limits, and New Jersey and local law;
 - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with 40 CFR 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, base on the applicable general Pretreatment Standards in CFR 403, categorical pretreatment standards, local limits, and New Jersey and local law;
 - (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
 - (6) Requirements to control Slug Discharges, if determined by the Authority to be necessary.
- C. The following terms may be imposed by the Authority in the issuance of the Industrial/Commercial Discharge Permit:
1. A limitation upon the quality of wastewater, volume of wastes, and the rate of flow discharged from the industrial user. Any violation of this section of the SUO is considered non-minor.

2. The installation and maintenance by the Permitted Industrial User, at his own expense, the following: facilities or equipment for intermittent or continuous measurement of flow, industrial/commercial wastes, or other wastes discharged; detention tanks or other facilities or equipment for reducing the maximum rates of discharge; pretreatment and flow control facilities; suitable control sampling manhole or manholes; grease traps for removal of oil and grease originating from animal or vegetable origin; and oil/water separators to remove petroleum oil or products of mineral oil origin. Any violation of this section of the SUO is considered non-minor.
3. The submittal to, and approval by, the Authority of plans and specifications for any of the facilities or equipment required to be installed and maintained by the Permitted Industrial User. Any violation of this section of the SUO is considered non-minor.
4. Maintenance of appropriate records of all measurements made by the Permitted Industrial User of flow, industrial/commercial wastes, or other wastes specified by the Authority. The Permitted Industrial User shall afford the Authority access of the aforementioned. Any violation of this section of the SUO is considered non-minor.
5. Prior to the commencement of operation of any pretreatment or flow control facilities, the Authority has the right to require adequate data to determine the acceptability of the sewage, industrial/commercial wastes or other wastes generated. Any violation of this section of the SUO is considered non-minor.
6. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, type and standards for tests and reporting schedule.
 - a. All Categorical Industrial Users or Significant Indirect Users or Groundwater Remediation Projects must submit monthly IDMRs in accordance with Section 5.1.
 - b. All NSIUs or SFCUs must submit quarterly IDMRs in accordance with section 5.1.Any violation of this section of the SUO is considered non-minor.

7. Any other terms and conditions, as may be necessary, to protect the Authority's Treatment Works and to carry out the intent and provisions of this SUO. Any violation of this section of the SUO is considered non-minor.
8. Monthly reporting due to a serious violation, in accordance with N.J.S.A. 58:10A-6.f(9) and 6.f.(10), if required. Any violation of this section of the SUO is considered non-minor.
9. Resampling due to noncompliance in accordance with 40 CFR Part 403.12(g) which states: if sampling performed by an industrial user indicates a violation, the user shall repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation. Any violation of this section of the SUO is considered non-minor.
10. All Industrial Users shall notify the POTW, the EPA regional Waste Management Division Director, and State Hazardous Waste Authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 30 days of the effective date of this SUO. Industrial users who commence discharging after the effective date of this SUO shall provide the notification no later than 30 days after the discharge of the hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.

Industrial users are exempt from the above requirements during a calendar month in which they discharge no more than fifteen kilograms of hazardous waste, unless the waste(s) are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous waste in a calendar month or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification. Subsequent months during which the industrial user discharges additional quantities of such hazardous waste do not require additional notification.

In the case of new regulations under section 3001 of RCRA, identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities, of the discharge of such substance within 90 days of the effective date of these regulations.

In the case of any notification made under this rule, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated. Any violation of this section of the SUO is considered non-minor.

11. Requirements for notification to the Authority of any new introduction of wastewater constituents, or any changes, in the volume or quality of the wastewater constituents being introduced into the Authority's Treatment Works. Any violation of this section of the SUO is considered non-minor.
12. Payments to cover the added costs of handling and treating the waters or wastes, which payments are not covered by existing sewer charges. Any violation of this section of the SUO is considered non-minor.
13. Requirements for notification of a slug discharge. Any violation of this section of the SUO is considered non-minor.
14. Requirements for notification of accidental discharge. Any violation of this section of the SUO is considered non-minor.
15. Payment of the applicable user fee. Any violation of this section of the SUO is considered non-minor.
16. Compliance schedules issued or required in accordance with this SUO.

- D. Industrial/Commercial Discharge Permits will include a statement of applicable civil and criminal penalties, in accordance with 403.8(f)(1)(iii), as well as information relative to payments of fines, penalties, etc., in accordance with N.J.S.A. 58:10A-1et seq. and N.J.A.C. 7:14-8.

4.7 PERMIT DURATION AND RENEWAL

The terms of the Industrial/Commercial Discharge Permit shall not exceed five (5) years. If the Permitted Industrial User desires to continue discharging beyond the expiration date, reapplication shall be made not less than 180 calendar days before such expiration date as mandated by N.J.S.A. 58:10A-7a. Renewal of the permit shall be contingent upon adequate compliance with the terms and conditions of the current permit. Should the permit expire before reapplication is made by the Permitted Industrial User, the terms and conditions of the original permit shall remain in force, unless terminated by the Authority, until the renewal permit becomes final and effective. Any violation of this section of the SUO is considered non-minor.

4.8 TRANSFER OF PERMITS

Industrial/Commercial Discharge Permits are not transferable. The Permitted Industrial User shall notify the Executive Director, or his designee, no later than sixty (60) days before any proposed change in ownership. The new owner is responsible for obtaining a permit by completing a CCMUA Pretreatment Permit Application as noted in Section 4.5 of this SUO. Any violation of this section of the SUO is considered non-minor.

4.9 CHANGE IN CONDITIONS

A Permitted Industrial User proposing to make any change in its discharge volume (specifically an increase to greater than 25,000 gallons per day, which would reclassify a nonsignificant indirect user as a significant indirect user or an increase to greater than 3,000 gallons per day, for a small flow commercial user, which would reclassify them to a nonsignificant indirect user) or quality, shall apply for a permit modification at least ninety (90) days before making any changes. Any violation of this section of the SUO is considered non-minor.

4.10 PERMIT MODIFICATIONS

The terms and conditions of an Industrial/Commercial Discharge Permit may be subject to modifications and changes by the Authority during the life of the permit. The Permitted Industrial User shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of changes. The Permitted Industrial User shall be granted thirty (30) days to submit written comments to the Authority.

If a permit modification satisfies the criteria in N.J.A.C. 7:14A-16.3, for "minor modifications," the permit may be modified without a draft permit or public review.

A permit modification, not processed as a minor modification under section N.J.A.C. 7:14A, shall be made for cause and shall conform with the draft permit and public notice requirements of N.J.A.C. 7:14A as required in N.J.A.C. 7:14A

Any violation of this section of the SUO is considered non-minor.

4.11 PERMIT APPEAL AND STAY PROCESS

When contemplating an appeal and/or stay after a permit is issued, Industrial Users should consult the full text of N.J.A.C. 7:14A-17.

- A. The key items to remember in this section are:
 - 1. A hearing shall be requested within 30 days of receipt of the permit; and
 - 2. A request for a stay may be combined with a hearing request but the request for a stay shall be expressly stated.

The sequence of events of the stay procedures for when a final permit is issued are as follows:

1. The final permit decision is issued, N.J.A.C. 7:14A-15.15.

*If construction is involved, a treatment works approval is required before construction, N.J.A.C. 7:14A-22 and 23.

* Final permit decision is issued and administrative record in accordance with N.J.A.C. 7:14A-15.17 is retained on file.

Permittee may then:

and/or

- 2a. Request for adjudicatory hearing (optional) N.J.A.C. 7:14A-17.2.

- 2b. Request for stay of permit conditions (optional) N.J.A.C. 7:14A-17.6.

* Within 30 days of receipt of the final permit decision a request for a hearing shall be made. A hearing is limited to the issues raised during the public comment period in accordance with N.J.A.C. 7:14A-15.13.

* A request for an adjudicatory hearing does not automatically result in a stay of a permit conditions. Requests for stays are decided in accordance with N.J.A.C. 7:14A-17.6

then:

3. Adjudicatory hearing held in Office of Administrative Law.

then:

4. Office of Administrative Law initial decision sent to the Executive Director.

*The Executive Director reviews decision and issues a final decision.

then:

5. Final Decision issued by Executive Director.

then:

6. Superior Court Appellate Division to appeal final decision.

Any violation of this section of the SUO is considered non-minor.